

MADISON COUNTY BOARD OF SUPERVISORS MEETING

Date: 6:00PM — Tuesday, October 26th, 2021
Location: Admin. Building Auditorium, 414 N. Main Street



MEETING #31 — October 26th

At a Regular Meeting (#2) of the Board of Supervisors on Tuesday, October 26th
at 6:00PM in the Admin. Building Auditorium:

PRESENT: R. Clay Jackson, Chair
Charlotte Hoffman, Vice-Chair
Amber Foster, Member
Kevin McGhee, Member
Carty Yowell, Member
Jonathon Weakley, County Administrator
Sean Gregg, County Attorney
Alan Berry, Deputy Clerk

ABSENT:

CALL TO ORDER, PLEDGE OF ALLEGIANCE, & MOMENT OF SILENCE

Chairman Jackson advised that a quorum was present.

DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA

Supervisor Hoffman made a motion to adopt the agenda as presented, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).*

PUBLIC COMMENT

Chairman Jackson opened the floor to public comment. With no public comment being brought forth, the public comment session was closed.

CONSENT AGENDA

1. Approve: Minutes from 10/06/21
2. Approve: Minutes from 10/12/21
3. Change Order #5: Madison County Administration Center Renovation (\$6,957.98)

Supervisor McGhee made a motion to approve the consent agenda as presented, seconded by Supervisor Hoffman. *Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).*

SPECIAL APPEARANCES

CONSTITUTIONAL OFFICERS, COUNTY DEPARTMENTS, COMMITTEES & ORGANIZATIONS

Economic Development & Tourism: Tracey Gardner was present and advised the Board of the following:

- Clore's 100th Celebration went well
- Light Up the Night for Domestic Violence Awareness Month
- 6000 Page Views for Website
- Route 230 is now a Scenic Byway
- Quad-County Business Summit last Wednesday
- Wine Tour website up and running
- December 4th Marketing Idea for businesses to participate in
- Second webinar for American Rescue Plan for Tourism
- Economic Development Partners Meeting & Realtor Roundtable went well
- Medical Cannabis lawsuit continuing
- Black Dog Towing is up and running
- New Airbnbs opening

➤ *Chairman Jackson: Asked who Black Dog Towing is.*

Ms. Gardner responded that it is Michelle Powell and her husband.

- No traveler's spending for 2020
- Statewide visitation down 26.6%
- Still free websites available through Small Business Development Center

➤ *Chairman Jackson: Asked if a truss company was still moving into the Lace Factory.*

Ms. Gardner responded that the truss company was not still looking to move into the Lace Factory, but other Fortune 500 companies were looking at the old Box In Box Out building.

Parks & Recreation: Jerry Carpenter was present and advised the Board of the following:

- Fall sports starting to wrap up
- Haunted Woods still needs people to volunteer for scaring
 - Channel 19 wants to do a community story on the event
- Smores with Santa in December

Emergency Management: John Sherer was present and advised the Board of the following:

- Booster shots — Reva firehouse on Mondays, Tuesdays, or Wednesdays with some restrictions
 - COVID-19 probably an endemic
 - Will be his last meeting — thanked the Board for their support, trust, and friendship
- *Chairman Jackson: Thanked Mr. Sherer for his work with the County, the COVID clinic especially, and said he left big shoes to fill.*

EMS: Noah Hillstrom was present and advised the Board of the following:

- 140 calls; 9 minutes average

- Paramedic position filled; now fully staffed
- Working on Provider Relief Fund
- No update on the mental health project

Facilities & Maintenance: Roger Berry was present and advised the Board of the following:

- Inspection at the transfer station; passed with flying colors
 - “Moonie Frazier” hired as his replacement
- *Chairman Jackson: Asked if he knew about any more change orders for the Administration Building Renovation project.*

Mr. Berry responded that there might be another change order coming; have paid 50% of the retainer and there are things the contractors still need to do.

Commissioner of the Revenue: Brian Daniel was present and advised the Board of the following:

- Land use deadline November 2nd
 - Staff member retiring; currently advertising
 - Attended Commissioner of Revenue Banquet; recognized as a fully accredited office for the third year
- *Chairman Jackson: Thanked Roger Berry for his service to the County as this would be his last meeting.*

Finance: Michele Thacker was present and advised the Board of the following:

- Pre-audit currently occurring with Mary Earhardt
- Been working on grants
- Continuing to work with financial advisor
- Switching from regular credit cards to P-Cards
- Working with Tom Char on ERP Project

Planning Commission: Stephan Carpenter was present and advised the Board of the following:

- Amendments to Commercial Solar Facility are close to being ready for a public hearing
 - Still discussion on Seasonal Event Activities and Large-Scale Outdoor Events ordinances
 - The County Planner introduced some ideas about the UDA request from the Town
- *Supervisor Yowell: Asked if the Planning Commission was going to have at least one more meeting on the Solar Ordinance at the next workshop.*

Mr. Carpenter responded that they would and said he thought it would be ready for public input at the Joint Meeting in December.

- *Chairman Jackson: Stated that there did not appear to be any cases for the Board of Supervisors or the Planning Commission scheduled for the next Joint Meeting; asked if the Board would like to cancel the next Joint Meeting, which the rest of the members agreed to.*

OLD BUSINESS

NEW BUSINESS

4. Consideration of Rezoning: James and Jean Beall, Springbook Farm LLC request to rezone 91.89 acres from A1/B1 to M1 with Conditions (Solar Farm)

James Beall was present and asked that the Board leave the request on the table as issues still needed to be resolved before moving forward with the application. Informed the Board of a change in solar providers; they will now be working with Louth Callan Renewables.

Graham Basecke from Louth Callan Renewables was present and gave the Board an outline on his company's plans for the Solar Farm project. He presented on the following:

- An outline for the project as a whole
- The project's benefits
- A site plan for the project
- The tree screening / landscaping for the project
- The co-use plan involving pollinators and agrivoltaics
- The system production analysis
- A schedule for permitting and development
- The timeline goals for the project

Mr. Basecke then informed the Board of Louth Callan's request that the rollback taxes be extended; possibly in the form of a waiver, but they were open to other options.

The County Attorney responded that the County's ordinance does not really provide a means to extend or waive the rollback taxes — it would have to be a Board decision. Stated that it was his opinion that, if the Board approved a waiver for the rollback taxes, they may hear from disgruntled applicants who paid the taxes previously. The County Attorney stated that there wasn't anything that disgruntled applicants could do since they already paid the taxes, but that waiving the rollback taxes would have consequences.

- *Chairman Jackson: Stated that he did not see many options for this; once the rezoning goes through, there's a 30-day period to pay the rollback taxes.*
- *Supervisor Hoffman: Stated that she thought the Board couldn't do an ordinance because the Board would then have to hear from the people they didn't grant a waiver to.*
- *Supervisor Foster: Stated that she also did not agree with waiving the rollback taxes. Asked if REC had a reason not to agree with the terms proposed by Louth Callan.*

Mr. Basecke responded that the upgrade costs may be too significant for Louth Callan to pay. He also stated that the request for a waiver on the rollback taxes was not to keep from having to pay, but rather extending the time for them to become more established.

- *Chairman Jackson: Stated that he thought it was irresponsible to rezone with a waiver until a suitable and didn't see it as negotiable. Then asked the County Attorney about the vegetative covering in the solar ordinance and whether or not it was around the whole property or just on the 29 side.*

The County Attorney responded that the Chairman was correct and that the covering went around the whole property.

- *Chairman Jackson: Asked about the specifics for the solar panels.*

Mr. Basecke said the panels would not be over 10ft in height.

- *Chairman Jackson: Said that it appears the Board will be going to public hearing to reduce the setback from 300ft to 100ft to set it as the minimal amount. Said he supported a larger setback on the 230 side around 300ft.*
- *Supervisor Yowell: Asked about the corner where the creek runs and if the project would be setting solar panels there as it did not look to be doing so on the presentation slide.*

Mr. Basecke responded that, due to the setback and tree covering, the project would likely receive minimal power from that area and thus would not be placing panels in that location.

- *Supervisor McGhee: Asked about the level of production; specifically, how much power would be provided by the facility.*

Mr. Beall responded that he believed the numbers Supervisor McGhee was referring to were in reference to the totality of solar energy in Virginia, rather than the amount for the County proper. Stated that he believed the total power output to be enough to cover around 30% to 40% of the County.

Mr. Basecke advised that, according to Louth Callan's engineers, the County's annual production is 187,493MW/hours in the County and that the facility would provide around 30,000MW/hours, or around 16%.

- *Supervisor McGhee: Said that PEC had recommended that the Board make the property ag-zoned.*
- *Supervisor Yowell: Asked how they were going to harvest the alfalfa.*

Mr. Basecke responded that the average spacing between the rows was around 15ft to 20ft.

- *Supervisor Yowell: Asked if there was a provision for less than 20ft between panels.*

Mr. Basecke responded that it is the standard width between panels.

Tracey Gardner asked if the distance between panels was measured based on the center or edge of the panel.

Mr. Basecke responded that it was based on the racking system and not the panels themselves.

➤ *Chairman Jackson: Asked if the panels moved or are static.*

Mr. Basecke responded that the panels are on a fixed systems and will not be on a tracker. Also described that the solar panels themselves are touching, but the racking system is spaced 15ft to 20ft.

Tracey Gardner asked how much acreage Louth Callan planned to put alfalfa on.

Mr. Basecke responded that he didn't know the number off the top of his head, but would run the numbers for that question.

The County Administrator suggested that the questions being asked be captured by Louth Callan for specifics before the next public hearing.

➤ *Chairman Jackson: Advised that there are two options available from the state to tax solar energy; either through a revenue sharing agreement or through machinery and tools. Said that the County Attorney advised that, if the Board were to pass the revenue sharing agreement, then the County would be bound to that option.*

The County Administrator informed the Board that he had an example of a revenue sharing ordinance from Westmoreland, Virginia that they would use if that was the direction the Board wanted to go in.

5. Virginia Housing Resolution

The County Administrator advised the Board of a resolution to designate the villages of Banco and Criglersville as potential areas of revitalization. Said that the resolution was an opportunity for both housing and non-housing funding.

Supervisor Jackson: Spoke about the term "blighted" in the resolution.

The County Administrator responded that the term is boiler-plate.

➤ *Chairman Jackson: Asked the County Attorney if he saw any negatives associated with the resolution.*

The County Attorney responded that he did not.

Supervisor McGhee made a motion to approve Resolution No. #2021-22, seconded by Supervisor Yowell. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

6. Hughes River Lease Agreement & Deed of Easement

The County Administrator informed the Board of two lease agreements and one deed of easement that would need to be approved by the Board. There are two parties that would receive an \$800 per month lease payment regardless of location of other equipment for the site. Each party is also entitled to 12.5% of any revenue generated from the property.

- *Supervisor Yowell: Stated that he would abstain from any discussion or vote due to Tiffany Grant being a cousin of his.*
- *Chairman Jackson: Asked when construction would start.*

The County Administrator responded that construction would start 2-3 months after execution of the agreement.

The County Administrator asked the County Attorney if the Board needed to do each agreement separately by naming the parties or if they can approve the lease agreements as one and the deed of access easement as another.

The County Attorney responded that it would be cleaner by party.

- *Chairman Jackson: Asked if they could approve things by one motion.*

The County Attorney responded that the Board could.

Supervisor McGhee made a motion to approve the Hughes River lease agreements with the Bukonts and the Grants and the Deed of Access through the Bukonts, seconded by Supervisor Hoffman. ***Aye: Jackson, Hoffman, Foster, McGhee. Nay: (0). Abstain: Yowell.***

7. Blue Ridge Cigarette Tax Board Appointment

The County Administrator informed the Board of the suggestion to nominate Brian Daniel as the primary for the Cigarette Tax Board with himself as the alternate. Their next meeting will be in December.

Supervisor Yowell made a motion to appoint Brian Daniel as the primary and Jonathon Weakley as the alternate members of the Blue Ridge Cigarette Tax Board, seconded by Supervisor Hoffman. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

8. Madison County Parks & Recreation Subdivision Proposal — Discussion

Jerry Carpenter advised the Board on the proposal for a playground to include:

- A water education zone
- Basketball Court
- Tennis, Basketball, & Pickleball Courts
- Possible grant from the Washington Capitals for an in-line hockey rink; equipment also to be provided by the Capitals

Also informed the Board that the School has a 300k ESSER grant that they would like to put towards the playground and water education zone project; to do so, they would need the 3 acres of that land to be in their name.

- *Chairman Jackson: Said it was a good project, but that the financing was an issue. Recommended that the Board appoint a committee consisting of himself, Supervisor Yowell, Jonathon Weakley, Jerry Carpenter, Lindsay Von Herbulis, and Anna Graham and whoever she deems necessary.*
- *Supervisor Yowell: Asked how long the project would take.*

Mr. Carpenter responded that it would probably take around 4-5 years.

Supervisor McGhee made a motion to appoint Chairman Jackson and Supervisor Yowell to the advisory committee to explore the community playground and water education zone being considered for development between the County Parks and Rec and the School System, seconded by Supervisor Hoffman. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

9. Urban Development Area — Discussion

The County Administrator advised the Board that he had received a letter from the Town of Madison requesting discussion around the UDA. He and other members of the County met with representatives from the town. Sidewalks appear to be the biggest point so far. The request was for the County to amend its comprehensive plan; the County Administrator believed that the Town should act first in amending its comprehensive plan before the County.

The County Attorney added that the UDA is a tool to help areas develop. The advantage of amending the comprehensive plan would allow for input from stakeholders and the people who live in the areas being discussed.

- *Supervisor Yowell: Asked if the Town shouldn't be taking the lead as far as holding a public comment at the town council meeting. Said he had talked to the mayor and that amending the Town's comprehensive plan would have to be amended. Asked if there was a time-frame for the UDA project.*
- *Chairman Jackson: Said he agreed that the Town needed to lead on the project. Suggested that a resolution be penned in support of the town being their own UDA.*

The County Administrator asked if the Board would like the resolution before the Town amended their comprehensive plan.

- *Supervisor Yowell: Said he believed it would be appropriate to have a resolution stating the County's support for the town being designated as a UDA.*
- *Supervisor Foster: Asked Tracey Gardner if the Town was working with her. Stated that she wished there was more being discussed than just sidewalks.*

The County Administrator stated that he believed a mixed-use discussion would be helpful and that working together with the Town would be in everybody's interest.

INFORMATION / CORRESPONDENCE

The County Administrator thanked Tracey Gardner and everyone else who worked on the byway designation. He informed the Board that he had sent a letter to Superintendent Kenney that affirmed the County's support for continuing the Blue Ridge Committee. Also informed the Board of a request for an RV park.

- *Chairman Jackson: Stated that the County Administrator needed to send a letter to VDOT regarding flashing lights on the Fairgrounds Road stop-sign.*

PUBLIC COMMENT

Chairman Jackson opened the floor to public comment.

Allen Nicholls was present and spoke on the zoning change to the Bealls' property. Stated that the goalpost kept moving for the project and even the Piedmont Environmental Council said the site was terrible for the project. Said the project was taking land away from other potential businesses that could come in. Said approving the proposal would adversely impact the property value of the land surrounding the project and that it was in conflict with the County's comprehensive plan.

John Sherer thanked the Board for their work and said that the communications tower discussed earlier was a huge asset to the County.

With their being no further public comments brought forth, the public comment opportunity was closed.

CLOSED SESSION

Supervisor Hoffman moved to convene the Board in closed session pursuant to Virginia Code sections:

- 2.2-3711(A)(1) for discussion, consideration, or interviews of prospective candidates for employment;
- 2.2-3711(A)(8) for consultation with legal counsel employed or retained by a public body regarding specific legal matters

Supervisor Hoffman amended her motion to change 2.2-3711(A)(1) to state "personnel" rather than "discussion, consideration, or interviews of prospective candidates for employment".

Seconded by Supervisor McGhee. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

Per the result of the Closed Session:

Supervisor Yowell made a motion to authorize the County Administrator to send a letter to the Madison County Volunteer Rescue Squad for the purposes of scheduling a meeting to discuss relinquishing assets and items that are owed to the County, seconded by Supervisor Hoffman.

Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).

ADJOURN

With there being no further business to discuss, Supervisor Hoffman made a motion to adjourn, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).*

.....



Agenda **Board of Supervisors Meeting** **Madison County Board of Supervisors** **Tuesday, October 26, 2021 at 6:00 PM** **County Administration Building Auditorium** **414 N Main Street, Madison VA 22727**

Call to Order, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum/Adoption of Agenda

Public Comment

Consent Agenda

1. Approve: Minutes from 10/06/21
2. Approve: Minutes from 10/12/21
3. Change Order #5: Madison County Administration Center Renovation (\$6,957.98)

Special Appearances

Constitutional Officers, County Departments, Committees & Organizations

Old Business

New Business

4. Consideration of Rezoning: James and Jean Beall, Springbook Farm LLC request to rezone 91.89 acres from A1/B1 to M1 with Conditions (Solar Farm)
5. Virginia Housing Resolution
6. Hughes River Lease Agreement & Deed of Easement
7. Blue Ridge Cigarette Tax Board Appointment
8. Madison County Parks & Recreation Subdivision Proposal — Discussion
9. Urban Development Area — Discussion

Information/Correspondence

Public Comment

Closed Session

Adjourn